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November 9, 2020

VIA ECF

MEMO ENDORSED

The Honorable Denise L. Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1910
New York, NY 10007


Re: *FTC, et al. v. Vyera Pharmaceuticals, LLC, et al.*, Case No. 1:20-cv-706 (DLC)

Dear Judge Cote:

On behalf of Martin Shkreli, I hereby respectfully request permission to file under seal portions of Mr. Shkreli's letter in response to plaintiffs' letter motion seeking access to Mr. Shkreli's attorney-client communications. Pursuant to the Court's September 17, 2020 Order (ECF No. 261), I respectfully provide the Court with the reason for the requested redactions in Mr. Shkreli's response letter. The requested redactions contain information pertaining to a private asset of a Vyera subsidiary and a related dispute that is not public, as well as confidential information related to Phoenixus's share valuation and Mr. Shkreli's efforts to satisfy the forfeiture judgment in his criminal case, which are not public. Each of the requested redactions contains confidential commercial and business information relating to Phoenixus and Vyera that is competitively and commercially sensitive, has not been released into the public domain, and if it were released into the public domain, would likely cause significant competitive or commercial harm to Phoenixus, Vyera and Mr. Shkreli. The Court has already granted Plaintiffs' motion to seal this very same information. *See* ECF No. 303. The sealing of this information is necessary to preserve the higher values of protecting confidential information of Mr. Shkreli, Phoenixus and Vyera, and thus, sealing the portions of the response letter is narrowly tailored to achieve the aim of preserving such higher values.

In accordance with Rule 7.B of Your Honor's Individual Practices in Civil Cases and with the requirements for electronically filing under seal, Mr. Shkreli will publicly file the response letter with the redactions, and on a separate docket entry, Mr. Shkreli will file under seal the unredacted response letter.

Granted.
11.10.2020


DENISE COTE
United States District Judge

Duane Morris

The Honorable Denise L. Cote
November 9, 2020
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Respectfully submitted,

/s/ Christopher H. Casey
Christopher H. Casey

CHC